

REMARKS

Claims 1-4, 6 and 7 are currently pending in the present application. Claim 1 is the only independent claim.

Claims 1-4 are amended, without prejudice, to correct some informalities and more clearly claim the invention. It is respectfully submitted that the amendments made herein are supported by the specification and the original claims and introduce no new subject matter. The amendments to claims 1 and 2 are to correct some informalities, do not affect the substance or scope of the claims, and are supported by original claims 1 and 2. Support for the amendment to claim 3 and 4 can be found at least from original claims 3 and 4, respectively, and the originally filed specification at page 7, line 15.

Claim 5 is cancelled, without prejudice.

New claims 6 and 7 are added to claim the invention at various scopes. Support for new claims 6 and 7 is found at least from original claims 3 and 4, respectively, and the originally filed specification at page 7, line 15.

No additional claim fees are necessitated by the amendments made herein. Because the amendments do not introduce any new matter, entry of the amendments is proper and respectfully requested.

Claim Rejection Under 35 USC §103

Claims 1-5 are rejected under 35 USC §103(a) as being unpatentable over Elliott *et al.* (Journal of the Chemical Society, Perkin Transactions, Organic and Bio-Organic Chemistry (1974), (21), 2470-4; and Pesticide Science (1976), 7(5), 499-502 (ABSTRACT)) ("Elliott I" and "Elliott II", respectively). The Examiner states that Elliott I and II teach a species which includes all the specific functional groups of formula (1) with the exception of an ethyl ester rather than the claimed methyl ester. The Examiner continues that, one skilled in the art would recognize that the methyl group is an obvious variant of that of an ethyl group, and that Elliott also teaches methyl esters of various formula (1) analogs.

Applicant respectfully submits that the presently claimed compound is not obvious in view of Elliot I and II, at least because the presently claimed methyl ester compound has unexpected superior arthropod-controlling activity as compared with that of the ethyl ester compound. As shown in Test Example 1 of the present application, the time for knocking down

half of the tested insects (KT50) was 0.7 minute for the claimed compound, but was 6.1 minutes for the ethyl ester compound. Elliot I and II, alone or in combination, do not teach the claimed methyl ester compound, let alone its superior arthropod-controlling activity, which is unexpected in view of the prior art.

Accordingly, reconsideration and withdrawal of the obviousness rejection of claim 1 and its dependent claims 2-4 in view of Elliot I and II are respectfully requested.

For the same reason, new claims 6 and 7 are also not obvious in view of Elliot I and II, because the new claims depend from claim 1.

Claim Rejection Under 35 USC §112

Claims 3-5 are rejected under 35 USC§112, first paragraph. The Examiner states that the specification, while being enabling for controlling insects of the classification *Culex pipiens pallens*, does not reasonably provide enablement for pests in general.

Claim 5 is cancelled, which renders the rejection to claim 5 moot.

Without acquiescing to the Examiner's reasoning, solely to advance the prosecution, claims 3 and 4 have been amended to recite "arthropods" instead of "pests." Applicant respectfully submits that the specification is enabling for controlling arthropods. It provides examples of arthropods that can be controlled by the presently claimed compound. See page 7, line 14 to page 10, line 6. It then teaches pesticidal compositions comprising the presently claimed compound and various methods of formulating the compositions. See page 10, line 7 to page 12, line 28. The specification also teaches how to control arthropods, e.g., by applying the pesticidal composition of the present invention to the arthropods or locus where the arthropods inhabit, alone or together with other active ingredients of the insecticide and acaricide. See page 13, line 1 to page 15, line 3. The specification further provides working examples to illustrate how the presently claimed compound can be made, formulated and used in controlling arthropods. See Examples. In particular, Test Example 1 showed that the presently claimed compound has superior activity in controlling mosquitoes, a species of arthropods.

In view of the amount of direction or guidance provided in the specification, the working example on the effectiveness of the compound in controlling insects, the relatively high level of skill in the art, the reasonable predictability of acaricidal activity based on insecticidal activity, and the nature of the invention, a person of ordinary skill in the art would be able to make an

arthropod-controlling composition as that recited in claim 3 and conduct a method for controlling arthropods as that recited in claim 4, all without undue experimentation.

Accordingly, reconsideration and withdrawal of the lack of enablement rejection of claims 3 and 4 are respectfully requested.

For similar reasons, new claims 6 and 7, which are directed at anti-insect activity, are also enabled.

Claim Rejection under 35 USC§112

Claim 5 is rejected under 35 USC§112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Upon entry of the present Amendment, claim 5 is cancelled without prejudice. The cancellation renders the rejection moot.

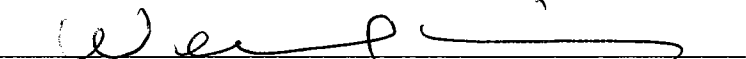
Applicant respectfully submits that the present application, as claimed in claims 1-4, 6 and 7, is in condition for allowance and such action is respectfully solicited. Applicant appreciates the effort of the Examiner and looks forward to receiving Notice of Allowance of all pending claims.

Respectfully submitted,

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(Date)

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